

REMARKS

The applicant will address the issues presented in the Office Action dated June 29, 2005 in similar order as provided by the Examiner.

Double Patenting

The applicant agrees that claims 1-10 relate to the product while claims 1-17 of U.S. Patent No. 6,903,033 relate to the method of making the product. If the applicant is successful in overcoming the remaining issues, the applicant will file the necessary disclaimer to overcome this rejection.

Claim Rejections – 35 USC § 102

Claims 1-7, 9, and 10 are rejected as being anticipated by Slosberg et al., U.S. Patent No. 4,689,258. Enclosed is a copy of U.S. Patent No. 6,696,004 where the Slosberg reference was one of the references explicitly discussed in obtaining those claims. Just like in the '004 Patent, the applicant has claimed a continuous or non-porous layer which is not present in Slosberg. Claim 1 requires that the bottom layer (in vinyl) form a non-porous sheet below the skeletal frame. This layer is not shown or described in Slosberg. In fact, the Examiner has observed that Slosberg discloses a format comprised of an “**open**, fibrous, synthetic mesh material . . .” These adjectives describe the exact opposite of the claimed bottom layer. While the applicant understands the Examiner equated Slosberg’s islands to bubbles of the present invention, the applicant claimed a continuous layer which was not addressed by the Examiner and is believed to provide at least this most distinguishing feature is believed to provide patent claims.

Furthermore, since this feature was not addressed in the Office Action dated June 29, 2005, a final Office Action reiterating this rejection or another rejection would not be appropriate since an element of the claims was not addressed in the initial Office Action.

Claim 8 was rejected as being obvious over Slosberg in view of Sugahara et al., U.S. Patent No. 5,780,147. Claim 8 stands or falls with claim 1. At this time, the applicant is content to allow claim 8 to stand or fall with claim 1 which is believed to be allowable.

Respectfully submitted,

Date: September 21, 2005

By: 

Stephen J. Stark
Attorney for Applicant
MILLER & MARTIN LLP
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756.6600



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

on this 21st day of September, 2005.

By: Beverly L. Middleton
Beverly L. Middleton